

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**JEFFREY LEE MARTIN, DDS, A  
PROFESSIONAL DENTAL  
CORPORATION**

**VERSUS**

**AFFORDABLE CARE, LLC, ET AL.**

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**CIVIL ACTION NO. 21-cv-00585**

**DISTRICT JUDGE S. MAURICE  
HICKS, JR.**

**MAGISTRATE JUDGE  
HORNSBY**

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**EX PARTE MOTION FOR LEGISLATIVE EXTENSION OF TIME**

COME NOW, Affordable Care, LLC and Thomas Kennedy, DDS of Louisiana II, A Professional Dental, LLC (“Defendants”), by and through undersigned counsel of record, and file this Ex Parte Motion for Legislative Extension of Time to file a response in opposition to the Motion for Reconsideration filed by Jeffrey Lee Martin, DDS, A Professional Dental Corporation (“Martin”) on April 17, 2024 [R. Doc. 134]. Counsel for Defendants, Thomas A. Pressly, IV, is a member of the Louisiana Senate and is in legislative session through June 3, 2024. Defendants’ Response to the Motion for Reconsideration is currently due on May 2, 2024. Pursuant to La. R.S. § 13:4163, Defendants respectfully request an extension of time to file their response in opposition until June 7, 2024, after the conclusion of the current legislative session, for the reasons explained more thoroughly herein.

La. R.S. § 13:4163(A)(1) provides that a member of the legislature shall have peremptory grounds for a continuance or extension in a civil case. La. R.S. § 13:4163(C) states:

C. (1) Such peremptory grounds are available for the continuance of any type of proceeding and the extension of any type of deadline pertaining to a criminal case, civil case, or administrative proceeding, if the presence, participation, or

involvement of a member or employee is required in any capacity, including any pretrial or post-trial legal proceeding, during:

- (a) Any time between thirty days prior to the original call to order and thirty days following the adjournment sine die of any session of the legislature.
  - (b) Any time between thirty days prior to convening and thirty days following adjournment sine die of any constitutional convention.
  - (c) Any time other than those provided in Subparagraph (a) or (b) of this Paragraph when such person is engaged in activities, including travel, in connection with or ordered by: (i) the legislature; (ii) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (iii) any committee or commission appointed by the governor or other person authorized to make such appointments; or (iv) any constitutional convention or commission.
- (2) Such peremptory grounds are available to any member or employee enrolled as counsel of record when his participation is required. The availability of other counsel to assume the duties or responsibilities of counsel invoking the continuance or extension does not negate the peremptory nature of his motion.

When a request for an extension is based upon the convening of a regular legislative session, La. R.S. § 13:4163(E)(1)(a) states that such requests are timely as long as they are filed at least five (5) calendar days prior to the hearing or proceedings to be continued. When an extension or continuance is requested during a session of the legislature (La. R.S. § 13:4163(C)(1)(a)), then within seventy-two hours of the filing of the motion, the court shall grant the continuance or extension ex parte for a period of time not less than sixty days from the date of adjournment sine die of the session of the legislature. La. R.S. § 13:4163(E)(2)(a).

Thomas A. Pressly, IV, counsel for Defendants, is currently a member of the Louisiana Senate, representing the 38<sup>th</sup> district of Louisiana. The 2024 Regular Legislative Session of the Louisiana State Legislature convened on March 11, 2024 and has a final adjournment on June 3, 2024. Because of the ongoing legislative session, Mr. Pressly will be unable to oppose Martin's motion prior to the current May 2, 2024 deadline. Mr. Pressly has made every attempt to avoid the need for extensions or continuances in this matter, but Martin's unexpected Motion for

Reconsideration, which was filed after all applicable deadlines expired and more than a year after the order about which it is seeking reconsideration was entered, made that impossible.

This motion is timely because it is being filed more than five days prior to the current deadline for Affordable's response in opposition, which is currently due on May 2, 2024 [R. Doc. 137]. Rather than request a lengthy extension of sixty days after the adjournment of session, as is available under La. R.S. § 13:4163(E)(2)(a), Affordable is only requesting an extension of a few days after the adjournment of the legislative session, until June 7, 2024, to give Mr. Pressly time to participate in drafting the opposition without upsetting the imminent trial, set to begin on June 24, 2024.

Out of an abundance of caution, Mr. Pressly contacted counsel for Martin on April 23, 2024 to determine if they would consent to the request, but a response was not received prior to filing.

**WHEREFORE**, pursuant to La. R.S. § 13:4163, Defendants respectfully request an extension of time to file their response in opposition to Martin's Motion for Reconsideration until June 7, 2024.

Respectfully submitted,

/s/ Nancy A. Cundiff  
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**and**

**Thomas A. Pressly IV (#35286)**  
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*Attorneys for Defendant, Affordable Care,  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been served upon all counsel of record by operation of the Court's CM/ECF system on this 23<sup>rd</sup> day of April, 2024.

/s/ Nancy A. Cundiff